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**SEP 16 2009**

**OFFICE OF PETITIONS**

In re Application of  
Brian A. Lipp  
Application No. 10/763,040  
Filed: January 21, 2004  
Attorney Docket No. 35056-512

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**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed July 13, 2009.


The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before July 6, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed April 3, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 4, 2009. On July 13, 2009 the present petition was filed. A Notice of Abandonment was subsequently mailed on July 17, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$1,510 issue fee and \$300 publication fee; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions